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List of issues in relation to the third periodic report of Guinea

Addendum

Replies of Guinea to the list of issues*

[Date received: 24 September 2018]

* The present document is being issued without formal editing.

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Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to the issues raised in paragraph 1

1. As Guinea is a monist State, the Covenant may be directly applied by the courts. Guinea has been revising its legal texts since 2010 to bring its domestic legislation into line with the international conventions that it has ratified.

2. The Covenant is occasionally invoked directly by parties and plaintiffs before the Guinean courts, notably in the Zaoro trial of 2011 and the trial of opposition activists arrested during political protests.

3. Guinea intends to ratify the first Optional Protocol to the Covenant.

Reply to the issues raised in paragraph 2

4. The Independent National Human Rights Institution is provided for in the Constitution and was established by Organic Act No. L008/CNT/2011 of 14 July 2011. Its mission is to "contribute to the establishment and strengthening of a national framework for the promotion and protection of fundamental human rights and freedoms, particularly through the preparation and continuous improvement of policies and administrative practices intended to defend and uphold human rights and prevent abuses".

5. The Institution is staffed by 33 commissioners, who are aided by an administrative and technical support team of around 15 people. It receives a modest budget of 6,910,170,000 Guinean francs (GF), equivalent to US$ 751,000, according to the Initial Finance Act 2018.

6. The Institution's past activities include efforts to free 10 detainees in Conakry, Guéckédou and Boké, to improve detention conditions for 3 women held in the central prison in Conakry and to provide protection for 6 persons, including 2 women, who had been physically attacked in Conakry, N'Zérékoré and Dinguiraye. In addition, it has carried out three fact-finding missions around the country, some in collaboration with partners, to verify and document human rights violations. It has published four ad hoc reports and one annual report in 2017 on the human rights situation in Guinea.

7. The budgets of the other human rights institutions (the Ministry of Human Rights, the National Ombudsman and the Committee for Monitoring the Rights of the Child) have all substantially increased, despite the country's difficult economic situation.

Combating corruption (art. 2)

Reply to the issues raised in paragraph 3

8. On 7 July 2017, the National Assembly adopted the Anti-Corruption Act. Articles 63 and 64 of the Act protect the press from retaliation for reports of corruption. The National Agency for the Elimination of Corruption and the Promotion of Good Governance is working to raise awareness of the Act at all levels so that Guinean citizens can familiarize themselves with its content.

9. In 2012, the Agency conducted a survey on corruption, questioning households and businesses. The survey revealed that the Guinean State was losing more than GF 500 billion a year in bribes connected with public and private services. The results of another survey on the same subject conducted in 2015 are undergoing validation.

10. According to statistics provided by the National Prison Service and the Court of Appeal in Conakry, eight cases of corruption were brought before the courts between 2010 and 2016.

11. In June 2018, the general directors in charge of two government services with responsibilities for State finances, the Guinean Office of Maritime Trade and the Guinean

Office of Publicity, and their accounting staff were removed from office on suspicion of misappropriating funds, and legal proceedings were brought against them.

State of emergency (art. 4)

Reply to the issues raised in paragraph 4

12. Following the violent riots of February 2007, the President of the Republic declared a national state of siege to prevent the outbreak of civil war (Decree No. D/2007/011/PRG/SGG of 12 February 2007).

13. The state of siege imposed a curfew between 6 a.m. and 4 p.m. and between 8 p.m. and 6 a.m. In addition, processions, marches and protests were prohibited, as were public and private meetings that might incite or fuel disorder. Restrictions were also imposed on the press and searches were authorized to take place at any time of day or night. During the curfew, the law enforcement authorities carried out executions and made multiple arbitrary arrests. For example, four people who flouted the curfew in Labé were killed by law enforcement officers on Tuesday, 13 February 2007, the first day of the state of siege.

14. In May 2012, the non-governmental organizations (NGOs) Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen (Guinean Organization for Human and Citizen Rights) and International Federation for Human Rights decided to file a complaint as civil claimants alongside 50 other victims of the events of 2007. The complaint has given rise to a judicial investigation and two investigating judges are now looking into the case.

15. Violence erupted throughout the country upon the announcement of the provisional results of the second round of the presidential elections in 2010. To maintain peace, order and national unity, the Transitional Government declared a national state of emergency that would last until the definitive results of the election were announced by the Supreme Court. Protests and gatherings were prohibited during the state of emergency. During that time, members of the security forces used lethal force to suppress violent behaviour on the part of those protesting irregularities in the electoral process.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

Reply to the issues raised in paragraph 5

16. Following a request from the leader of the Parti de l'unité et de la liberté (Party of Unity and Liberty), Mr. Sow, the Constitutional Court noted that no organic act on the operational procedure of the High Court of Justice had been passed and reminded the executive and legislative branches of government of their duty to draft such an act. The Court set a time limit of four months, from 22 February to 22 June 2018, for the presentation and adoption of a law laying down the rules of operation and the procedure for the establishment of the High Court of Justice. Unfortunately, the Court is not yet operational.

17. The Government has, however, set aside a budgetary allocation for the Court in the Amended Finance Act 2018. This demonstrates the authorities' willingness to establish this important republican institution.

18. With regard to the fight against impunity, a mobile court hearing at the N'Zérékoré Assize Court was opened on 23 March 2015 and dealt with the cases of 26 persons accused of killing 8 members of a group raising awareness of Ebola in Womey in September 2014. At the outcome of the trial, 11 of the accused were sentenced to life imprisonment and 15 were acquitted for lack of evidence.

19. As regards the intercommunal violence between 15 and 18 July 2013, a mobile court hearing at the Kankan Assize Court was opened on Wednesday, 22 April 2014, and dealt with the cases of 18 persons accused of murder, assault causing actual bodily harm, homicide and ethnocentrism. In total, 13 of the 18 persons accused were handed prison

sentences, ranging from two years' imprisonment to life in prison; five others were acquitted for lack of evidence.

20. The investigation into the massacre of 28 September 2009 entered a new phase with the establishment of a steering committee on Friday, 13 April 2018. The steering committee is responsible for organizing a trial, finding the necessary financial resources and establishing a protection mechanism for judges, witnesses and everyone else involved in the trial, as well as a compensation mechanism for victims.

Reply to the issues raised in paragraph 6

21. In 2011, the President of the Republic established an ad hoc committee tasked with reflecting on the conditions required to begin working towards and ultimately achieve national reconciliation. The committee has been given work premises and the material and financial resources it requires to fulfil its mission. The committee organized national consultations on how to approach national reconciliation in Guinea. These consultations involved conducting 4,898 quantitative surveys and 732 individual interviews and organizing 104 focus groups and 56 community gatherings. In June 2016, the committee presented its report on the consultations to the President of the Republic.

22. In accordance with the recommendations of the ad hoc committee on reconciliation, a draft bill on the establishment of a truth, justice and reconciliation committee was prepared and approved by various stakeholders during a workshop session.

Non-discrimination (arts. 2, 7, 24, 25 and 26)

Reply to the issues raised in paragraph 7

23. Act No. L/2016/059/AN of 26 October 2016 on the Criminal Code defines and criminalizes discrimination. A list of prohibited grounds for discrimination is provided in articles 313, 314, 315 and 316 onward. Discrimination is punishable by one to five years' imprisonment and a fine of between GF 500,000 and GF 10 million (Criminal Code, arts. 315 and 316).

24. The principle of non-discrimination in the field of employment and work in Guinea is also enshrined in article 4 of Act No. L/2014/072/CNT of 10 January 2014 on the Labour Code. Under the Act, employers and their representatives are prohibited from taking into consideration sex, age, national extraction, race, religion, colour, political or religious views, social origin, membership or non-membership of a trade union, trade union activity or disability when making decisions relating to recruitment, the conduct or distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or the termination of employment contracts.

25. There are currently no plans to revise article 274 of the Criminal Code, which criminalizes sexual acts between persons of the same sex. In Guinea, such acts are considered to be contrary to the social and moral order.

26. A draft bill on the protection and advancement of persons with albinism has been prepared. In June 2018, an informational workshop on the draft bill was held in the Palais du Peuple on the occasion of International Albinism Awareness Day.

27. The National Food Safety Agency runs a programme designed to prevent the spread of Ebola and improve the services available to survivors. The programme is intended to ensure that Ebola survivors have access to health care and psychosocial services, prevent the spread of infection and reduce the stigmatization of survivors.

28. The National Strategic Framework for 2013–2017 for combating sexually transmitted infections and HIV/AIDS in Guinea is aligned with international efforts to achieve global objectives in the fight against AIDS: "Zero new infections, zero AIDS-related deaths and zero discrimination."

29. In collaboration with NGOs, the relevant government departments have launched several informational, awareness-raising and publicity campaigns to reduce the

stigmatization and discrimination experienced by persons living with HIV. These campaigns have notably led to the introduction of two observatories — one national, the other community-based — on the rights of persons living with HIV.

Equality between men and women, and discrimination against women (arts. 2, 3, 23, 25 and 26)

Reply to the issues raised in paragraph 8

30. Act No. L/2017/039/AN of 24 February 2017 on the revised Electoral Code of the Republic of Guinea required political parties to ensure that a quota of 30 per cent of the candidates they put forward on every electoral list was reserved for women in national and local elections. This provision was found to be discriminatory and unconstitutional by the Constitutional Court in its Decision No. AC 023 of 15 June 2017.

31. The Guinean Government has undertaken several initiatives and projects to increase the participation of women in public life, including:

- A project on gender promotion that aims to reduce inequality between the sexes, the principal achievements of which include the drafting and adoption of the National Gender Policy and a related strategic action plan
- The establishment of a national thematic group on gender tasked with ensuring that gender is taken into account in the Government's strategy papers, particularly the Poverty Reduction Strategy Paper, and in its policies, programmes and sectoral projects
- The establishment of ministerial gender units tasked with ensuring that gender and the content of gender-related resolutions are taken into account in policies, programmes, projects and sectoral budgets
- A programme for the advancement of women and young people in the public service, launched in 2012 with the support of the French embassy, through which training has been provided for 180 women in decision-making posts in various departments of the central and devolved authorities

32. Emphasis has been placed on the development of women's leadership through a capacity-building programme consisting of two cycles that focus on different aspects of leadership, such as team management and motivation and communication, for young female managers working in the public service and civil society organizations.

33. The Labour Code prohibits the termination of women's employment for reasons linked to pregnancy or childbirth and takes due account of women's vulnerability in physically demanding jobs.

34. Compliance with these provisions is enforced at the administrative level by the Labour Inspection Office and in the courts by the administrative divisions of the courts of first instance.

Reply to the issues raised in paragraph 9

35. With a view to bridging gaps in the law and bringing civil legislation into line with the Constitution and developments in society, issues relating to nationality, birth registration, the marital home, paternal authority, the authorizations required for marriage and the emancipation of minors, guardianship, the rights and responsibilities of spouses, divorce, inheritance and polygamy have been the subject of significant changes in the draft of the new civil code, which is currently pending adoption.

36. The draft code requires grooms to choose between monogamy and polygamy by electing one of the following options: monogamy, limited polygamy, or polygamy. The maximum number of wives permitted under polygamy is four. This reform is intended to compensate for the inapplicability of articles 315 to 319 on the prohibition of polygamy.

37. In relation to divorce, the draft code re-establishes equality by allowing each spouse to solicit a divorce on grounds of marital misconduct, separation or mutual consent. Adultery by either husband or wife constitutes marital misconduct.

38. The draft civil code allows foreign men and women who enter into a contract of marriage with a Guinean to acquire Guinean nationality after two years of marriage. This time frame requirement is waived in the event that a child is born whose filiation is established with respect to both spouses. The draft code provides that the family residence is a place which the spouses choose by agreement and affords the same rights to the father as to the mother in respect of their children's birth registration.

39. The draft civil code replaces the concept of paternal authority with that of parental authority and thus re-establishes equality between the mother and the father.

40. The term "parental authority" reflects the reality of parenthood: mothers and fathers work together to look after and educate their children and help them grow. The draft civil code confers the same rights on the father as on the mother in respect of the authorization required for the marriage or emancipation of their underage children.

41. With regard to the guardianship of minors and adult wards of the State, the draft code re-establishes equality between mothers and fathers by allowing them to choose who will act as their child's guardian and between husbands and wives with respect to the guardianship arrangements for spouses deprived of legal capacity.

42. As regards the rights and responsibilities of spouses, the draft code redresses the discrimination inherent in articles 328, 329 and 331 of the Civil Code. It provides that each spouse may freely choose a profession, earn emoluments and salaries and spend them after paying the household bills and that the family residence is chosen by agreement between husband and wife. In the event that no agreement is reached, the court makes a decision in the best interests of the family.

43. As regards inheritance, the draft code makes no distinction between heirs based on sex or order of birth. Henceforth, all widows shall receive 1/8 of their husband's estate, regardless of whether they had a child together.

Violence against women and harmful practices (arts. 2, 3, 6, 7 and 26)

Reply to the issues raised in paragraph 10

44. Article 8 of the Constitution provides that: "All human beings are equal before the law. Men and women have the same rights. No one shall be afforded privileges or suffer disadvantage on account of their sex, birth, race, ethnicity, language or beliefs or their political, philosophical or religious views."

45. On the basis of these provisions, the authorities drafted the Criminal Code, Act No. L/010/AN/2000 of 10 July 2000 on reproductive health and the Children's Code, all of which are instrumental in combating the abuse of women, and set up institutions to protect and promote women's rights.

46. The Criminal Code defines and criminalizes assault causing actual bodily harm, intentional acts of violence, female genital mutilation, sexual and psychological harassment and sexual assault.

47. Act No. L010/AN/2000 of 10 July 2000 on reproductive health (which prohibits female genital mutilation), the Act's five implementing orders and the Children's Code provide for criminal sanctions for any person who practises female circumcision.

48. The Ministry of Social Affairs, the Advancement of Women and Children's Affairs has drafted a National Strategy on Gender-based Violence along five strategic lines: prevention, support, research, coordination and combating specific acts of violence. The Strategy was designed to implement the second strategic goal of the National Gender Policy, namely, to ensure respect for human rights and the elimination of violence. There is also a national action plan on Security Council resolution 1325 (2000) and related resolutions and a Strategic Plan on the Elimination of Female Genital Mutilation for the period 2012–2016.

49. The National Observatory on Gender-based Violence was established in 2011 by Order No. 3388/PRG/SSG to monitor and report on problems relating to the reduction of gender-based violence, review the National Strategy on Gender-based Violence, identify needs on the basis of research and advocate for a culture of non-violence. The Observatory's responsibilities include gathering data on gender-based violence, managing a database, coordinating and guiding the activity of regional committees on gender-based violence and providing advisory opinions on bills relating to gender-based violence.

50. Also of note is the establishment of the Office for the Protection of Gender, Children and Morals within the Ministry of Security and Civil Protection through Order No. 3476 of 1 December 2009, as confirmed by Decree No. 120/PRG/SGG/11 of 14 April 2011.

51. The National Strategy on Gender-based Violence has been implemented through a number of initiatives conducted in collaboration with development partners and civil society organizations, such as: the "Joint Programme to Eliminate Female Genital Mutilation/Cutting: Accelerating Change" of the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF); a health- and rights-based project on the elimination of female genital mutilation in partnership with the NGO SABOU Guinée; the "Ending Violence against Women and Girls in the Economic Community of West African States" project run by UN-Women (the United Nations Entity for Gender Equality and the Empowerment of Women); the Joint Programme for Prevention and Action on Gender-based Violence, funded by the Peacebuilding Fund; and the Supra-regional Plan for the Elimination of Female Genital Mutilation in Guinea.

52. The principal achievements of the National Strategy on Gender-based Violence between 2009 and 2012, for each strategic line, are as follows:

Prevention

- The preparation of training modules on female genital mutilation/circumcision to be taught in medical schools, the introduction of modules on female genital mutilation in the training programmes of eight medical schools with a view to eliminating the practice of female genital mutilation/circumcision in medical settings, and the training of 30 health-care professionals in the treatment of health problems arising from female genital mutilation
- Raising awareness among 310 professionals, officers of the court and defence and security personnel (judges, police officers and gendarmes), local elected officials and teachers regarding the legislation prohibiting female genital mutilation, with a view to identifying effective ways to ensure its application
- The provision of training on female genital mutilation for 25 staff members from the NGO SABOU Guinée and 35 religious leaders, organized by the Association des Leaders Religieux de Guinée (Guinean Association of Religious Leaders)
- The preparation of a training manual on gender-based violence by the Ministry of Social Affairs, the Advancement of Women and Children's Affairs, in collaboration with EngenderHealth, with a view to establishing a training curriculum for service providers
- Building a stronger partnership with religious figures through the involvement of 12 parish priests and protestant pastors, 28 imams and other religious and traditional leaders in various inter-community meetings and intergenerational gatherings on the subject of the elimination of female genital mutilation
- The preparation of a preacher's guide for Muslim and Christian religious leaders on the harm caused by gender-based violence
- Advocating for the prevention of gender-based violence through the organization, in 2012, of a 16-day campaign on combating violence against women and girls, organized jointly by the Ministry of Social Affairs, the Advancement of Women and Children's Affairs and the Ministry of Human Rights and Public Liberties, with support from United Nations agencies, particularly UN-Women and UNFPA

- The signing of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which addresses the fight against female genital mutilation/circumcision, and deposition of the instrument of ratification with the African Union
- The implementation of a legal aid project that benefited 42 women and girls subjected to gender-based violence in Conakry and N'Zérékoré
- Advocating respect for women's rights and the need to uphold them on the occasion of various international observances, such as the International Day of Zero Tolerance for Female Genital Mutilation on 6 February, the anniversary of the adoption of United Nations Security Council resolution 1325 (2000) on women, peace and security on 31 October, the International Day for the Elimination of Violence against Women on 25 November and the International Day of the Girl Child on 11 October
- The organization of training courses for 200 officers of the defence and security forces, journalists and traditional communicators, judges and legal professionals, religious leaders and opinion leaders, local elected officials and women themselves on the Convention on the Elimination of All Forms of Discrimination against Women and United Nations Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) to help prevent gender-based violence

Support for victims of gender-based violence

- The preparation and adoption of standard operating procedures for the prevention of gender-based violence and the provision of medical, psychosocial, legal and social reintegration support for victims
- The preparation and approval of a training manual for health-care service providers on providing medical care to victims of gender-based violence
- The organization of a capacity-building programme for 157 health-care service providers on how to provide treatment, support and counselling to victims of rape and sexual violence
- The establishment of and provision of support and medical kits for six pilot referral and cross-referral centres providing medical, psychosocial and legal assistance to victims of gender-based violence
- The introduction of five gender-based violence units in health-care facilities, as well as gender-based violence units in police and gendarmerie stations
- The provisioning of 13 health-care facilities in potential conflict zones with medical kits and materials
- The establishment by the Ministry of Social Affairs, the Advancement of Women and Children's Affairs of the free helpline numbers 116, 30 43 63 64 and 30 43 64 64 as a means of preventing sexual violence
- The signing of a contract with local radio stations, which have agreed to raise awareness among their communities by broadcasting programmes on the support services available for victims of gender-based violence
- The provision of support for 179 victims of the events of 28 September 2009, of whom 103 underwent medical treatment, 93 received psychosocial assistance and 160 were given help with their reintegration at work and in society

Promoting access to justice for victims

- The preparation of a manual on legal aid for victims and the training of 50 judges to equip them with the specific skills required to provide appropriate legal support to victims
- The arrest and incarceration of four persons suspected of practising female genital mutilation/circumcision, including three women, by the Office for the Protection of

Gender, Children and Morals and their trial, which was made possible thanks to a collaborative effort involving the Ministry of Security, the Ministry of Social Affairs, the Ministry of Public Information and the Ministry of Justice

- The training of 80 judges and officers of the court in how to process cases involving sexual violence and the provision of support in 30 cases involving women in conflict with the law and 97 cases involving women and girls who had been raped, as registered by the public prosecutor's office of the Court of Appeal in Conakry

Research

- The conduct of a basic analytical study of the social determinants of female genital mutilation/circumcision to better understand why the practice persists in communities in spite of the law
- The introduction of a section on female genital mutilation/circumcision in the 2012 demographic and health survey
- The production and circulation of a handbook, a collection of legal texts and an advocacy paper on female genital mutilation
- The inclusion of issues relating to female genital mutilation in the road map for the reduction of maternal and infant mortality, the National Health Development Programme and the National Reproductive Health Programme, which was updated in 2012

Coordination

- The establishment of the Multisectoral Steering Committee on the Elimination of Female Genital Mutilation to coordinate, monitor and assess all action taken in the matter and to foster cooperation between stakeholders
- The preparation and adoption of the Strategic Plan on the Elimination of Female Genital Mutilation for the period 2012–2016.
- The establishment of the National Observatory on Gender-based Violence by Order No. 3388/PRG/SGG of 12 July 2011, which sets out the Observatory's responsibilities and organizational structure
- The establishment of seven regional committees on violence prevention and response in the seven administrative regions
- The establishment and implementation of a working group on gender-based violence within the protection cluster that groups together representatives of the Government, the United Nations and NGOs

Reply to the issues raised in paragraph 11

53. The practices of forced and early marriage remain anchored in societal norms despite posing serious risks to the health and welfare of girls and women. Guinean law provides that the legal age for marriage is 18, as established in the Children's Code, and enshrines mutual consent as a fundamental principle. Some parents are reluctant to observe these legal provisions, so the Guinean Government has taken several steps to combat forced and early marriage, including:

- Implementing a National Action Plan on the Elimination of Child Marriage. The aim is to put an end to child marriage in 30 per cent of villages and 10 per cent of districts by 2017 and to protect some 150,000 unmarried girls aged between 12 and 18 years from child marriage
- Reinforcing the prohibition of forced and early marriage in the Criminal Code and the Code of Criminal Procedure, which were promulgated in 2016. The Civil Code and the Children's Code, which are currently being revised, will follow suit
- Including the elimination of forced and early marriage among the priority objectives of the National Policy for the Promotion and Protection of the Rights and Welfare of

the Child in Guinea adopted in 2015 (the policy's three-year budget plan for 2017–2019 allocates more than a third of its activities budget to the elimination of forced and early marriage)

54. The main results achieved between 2013 and 2015 under the Strategic Plan on the Elimination of Female Genital Mutilation for the period 2012–2016, which has been extended to 2018, are as follows:

- A strong commitment by the authorities to the elimination of female genital mutilation/circumcision, including public condemnation of the practice by the President of the Republic in July 2015, a commitment from the Minister of Justice to better apply the relevant legal instruments and a commitment from the Minister of Health to take all administrative and corrective measures available to stop the practice of female genital mutilation/circumcision in medical settings
- The conduct of a socio-anthropological study, approved in 2016, to determine why female genital mutilation persists in Guinea, and the use of the study to improve current strategies for the elimination of female circumcision
- The establishment of a mechanism that makes use of smartphones to collect and centralize disaggregated data, which are fed into an e-monitoring database
- The introduction of teams of educators and a module on female genital mutilation in the curricula of eight Guinean medical schools
- The involvement of the Secretariat for Religious Affairs in the efforts of 1,138 religious leaders to raise awareness of female genital mutilation through coordinated sermons held throughout the country
- The introduction of an early warning and law enforcement system that has prevented 20 circumcisions and led to the arrest of 14 persons, 7 of whom were convicted in 2015
- The introduction of nationally standardized teaching materials on female genital mutilation, including a picture box on female genital mutilation for primary schools, a standard national module on the topic, a collection of legal texts on female genital mutilation and gender-based violence, a national training manual on life skills that addresses the issue of female genital mutilation, and a training manual for midwives
- The implementation of standard operating procedures for community activities by NGOs to foster a standardized approach
- A commitment from 779 communities and 126 districts (representing around 200,000 persons) to end the practices of female genital mutilation and early marriage and to protect 19,471 uncircumcised girls and 6,174 vulnerable unmarried girls
- The organization of a major campaign to prevent female genital mutilation every year since 2013 during the school holidays, when the practice is very common

55. From 2016 to 2017, the Office for the Protection of Gender, Children and Morals dealt with 15 cases of circumcision in Conakry (commune of Matoto), of which 12 were referrals, and 23 cases of forced marriage, of which 22 were referrals.

Right to life and excessive use of force (arts. 3 and 6)

Reply to the issues raised in paragraph 12

56. In terms of keeping the peace, there was a gap in the law after Guinea became independent. Act No. L/2015/009/AN of 4 June 2015 on the maintenance of public order has bridged that gap.

57. Under the Act, only non-lethal weapons — for example, water cannons, batons and riot control agents such as tear gas — may be used during law enforcement operations. The use of firearms is only permitted when required for self-defence or in cases of absolute necessity, and must be appropriate to the nature of the threat.

58. The Act is intended to curb impunity: it does not allow law enforcement agencies to abuse their authority. The Act was invoked by the court of first instance in Labé to give the prefect of Labé a one-year suspended prison sentence on 29 March 2018 for abuse of the authority vested in a law enforcement officer.

Reply to the issues raised in paragraph 13

59. The Guinean Criminal Code does not explicitly define mob justice and lynching as offences. They are subsumed under assault causing actual bodily harm or homicide, as the case may be. In the face of this growing phenomenon, the Guinean State has prosecuted a number of offenders. For example, in Siguiri, the court of first instance sentenced three young offenders to life imprisonment following a trial on 6 June 2018.

60. In May 2017, the National Assembly adopted the new Code of Military Justice, from which the death penalty has been removed.

61. According to the records of the National Institute of Statistics, 10 persons were sentenced to death between 2010 and 2016. This figure does not include sentences handed down between 2001 and 2010. The Guinean State intends to commute these sentences to life imprisonment. However, this procedure has been delayed by the absence of the sentence enforcement judge required under the new law on the organization of the courts.

Reply to the issues raised in paragraph 14

62. The final report of the Multiple Indicator Cluster Survey conducted in 2016 by the National Institute of Statistics revealed that the maternal mortality rate in Guinea is 550 deaths for every 100,000 births; the neonatal mortality rate for babies up to the age of 1 month is 20 for every 1,000 births; the post-neonatal mortality rate for babies aged between 1 and 11 months is 24 for every 1,000 births; the infant mortality rate for children up to the age of 1 year is 67 for every 1,000 births; and the mortality rate among children under 5 years of age is 88 per thousand. Guinea does not yet have a reliable way of calculating the number of legal or clandestine abortions.

Prohibition of torture and cruel, inhuman and degrading treatment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

Reply to the issues raised in paragraph 15

63. Guinea has brought its domestic law into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified in October 1989. The new Criminal Code defines and criminalizes torture. The penalties imposed for acts of torture range from a fine of GF 500,000 to 20 years' imprisonment.

64. However, there are shortcomings in Title 2, Chapter 3, Section 1 of the Code. Certain acts such as rape, electric shocks, burns, placement in stress positions, sensory deprivation and mock executions and drowning fall within the definition of "inhuman and cruel" treatment, but the range of penalties is not specified.

65. Despite the significant efforts made, the information received by the judiciary shows that some cases of torture are still being reported. For example, on 23 October 2010, members of the security detail of the President of the Transitional Government are alleged to have arrested and arbitrarily detained a number of individuals and subjected them to torture in the presence of, and following instructions from, Commander Sékou Resco Camara, General Nouhou Thiam and Commander Aboubacar Sidiki Camara, also known as "De Gaulle".

66. On 18 May 2012, the International Federation for Human Rights and the Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen, together with 17 victims as civil parties, filed a complaint before the Court of First Instance in Dixinn (Conakry II). On 29 May 2012, the Public Prosecutor opened an investigation into allegations of "illegal arrest, unlawful imprisonment, assault causing actual bodily harm,

abuse of authority and the commission of felonies and misdemeanours while performing official duties".

67. During the investigation, Commander Sékou Resco Camara was interviewed and charged.

68. In 2016, the Crime Squad arrested Diogo Sow and his wife at their home. According to Mr. Sow, they were then violently interrogated, beaten and humiliated for several days. His lawyers maintain that they were tortured. At the time of the incident, a video showing the abuse was shared widely on the Internet and sparked a wave of outrage on social media.

69. After the video came to light, the Ministry of Security suspended 12 police officers and gendarmes from Crime Squad No. 8. One of them, a captain, was charged and placed in pretrial detention at Conakry central prison.

Reply to the issues raised in paragraph 16

70. One of the strategic objectives contained in the Government's priority action plan for 2014–2015, which is rooted in the national policy on reform of the justice system, is the development of a modern and more humane prison system. Alongside other initiatives planned under that objective, the authorities will conduct a review of prison staff and develop a coherent recruitment and training programme that contains a gender perspective and takes account of future staffing needs, including for specialists such as trainers, within the Ministry of Justice.

71. Guinea has a total of 33 correctional facilities, including 8 central prisons and 24 civilian prisons. Only 28 are functional; the others were destroyed during the unfortunate events of 2007.

72. The authorities have allowed local religious and humanitarian organizations to visit prisons to provide medical care and food to those detainees most in need. Local NGOs such as Mêmes Droits Pour Tous (The Same Rights for All) and the Association de soutien aux réfugiés, aux personnes déplacées et aux détenus (Association for the support of refugees, displaced persons and detainees), along with volunteers and religious groups, have had regular and unhindered access to Conakry central prison. The International Committee of the Red Cross visits all the detention centres and civilian prisons regularly and works in partnership with the prison authorities and other security forces to improve detention conditions in the civilian prisons. The Government has also allowed international organizations and NGOs to visit the detention centres managed by the gendarmerie.

Liberty and security of the person (arts. 9 and 14)

Reply to the issues raised in paragraph 17

73. The Government of Guinea has taken various measures to improve detention conditions. These measures have resulted in improvements in the services responsible for prison food and in the construction and renovation of prisons and the facilities used by the judicial system, the police and the gendarmerie.

74. To avoid leaving minors who are in conflict with the law in custody or detention, some prefectural branches of the Ministry of Social Affairs, the Advancement of Women and Children's Affairs work to secure their release, transfer them to the care of their family or arrange an out-of-court agreement with the complainant.

75. Other actions and projects have included:

- The prison construction and renovation programme launched in May 2012
- The reform programme, including the professionalization of the police and gendarmerie through the development of a code of conduct, training sessions and awareness-raising activities
- The construction and renovation of judicial facilities
- The establishment of criminal divisions in the courts of first instance

- The provision of in-service training for all persons working in the criminal justice system, including lawyers
- The granting of permission for independent monitoring of prisons and detention centres managed by the gendarmerie

76. Detainees can challenge the lawfulness of their detention in court. They or their counsel may request provisional release at any point in the proceedings. The investigating judge is obliged to transmit the request to the prosecutor within 48 hours.

Reply to the issues raised in paragraph 18

77. Pretrial detention is an exceptional measure available to investigating judges for the purposes of investigations.

78. In Guinea, the duration of pretrial detention is four months, renewable once, for misdemeanours and six months, renewable once, for felonies. Under article 235 of the Code of Criminal Procedure, pretrial detention may be ordered or extended only if it can be demonstrated to be proportionate to specific and detailed elements of the proceedings, the seriousness of the charges levelled against the accused and the complexity of the investigations necessary to establish the truth. It may also be ordered in accordance with the conditions set forth in the third and fourth paragraphs of article 240 in cases where accused persons deliberately evade their obligations under a judicial supervision order. When a pretrial detention order expires as provided for in articles 236 and 237, defendants must be released unless they are detained on another charge.

79. In 2016, the Ministry of Justice established a commission to monitor pretrial detention (Order No. 2016/007/MJ/CAB/ of 15 January 2016). The commission was mandated to conduct a review and a comprehensive survey of persons being held in pretrial detention in prisons in Guinea. It was also tasked with developing measures to facilitate the release of persons being held in pretrial detention and to improve the practical management of pretrial detention in prisons.

80. The Commission visited 27 correctional facilities in 2016 and, using the data it collected, determined that 1,548 persons were being held in pretrial detention for periods ranging in length from less than 1 year to more than 13 years. Of those 1,548 individuals, 700 were being held for criminal offences and the remainder for misdemeanours.

81. The Commission's investigations revealed shortcomings in the criminal justice system.

82. Access to justice is a fundamental right guaranteed by the Constitution, article 9 of which provides that individuals have the right to counsel from the moment of arrest or detention. Article 540 of the Code of Civil, Economic and Administrative Procedure states that the provision of assistance in legal proceedings involves the authority and duty to advise the accused and present his or her defence. Article 384 of the Code of Criminal Procedure (Act No. 2016/060/AN of 26 October 2016) states that, in felony proceedings, accused persons have the right to engage a lawyer of their choosing to assist with their defence. If the accused does not engage a lawyer, the presiding judge or his or her representative appoints one ex officio. Article 340 of the Children's Code provides that any child charged with a criminal offence shall receive free legal assistance. If children or their representatives do not engage a lawyer, the Public Prosecutor, the justice of the peace, the juvenile court judge or the investigating judge requests the President of the Bar Association to appoint one.

83. In 2017, a study was conducted to examine the feasibility of establishing a legal aid fund and the associated regulatory framework. In that context, the following legal texts were adopted:

- The bill on legal aid
- The draft decree on the financing and administration of the legal aid fund
- The draft decree on the organization and functioning of legal aid offices

Administration of justice (art. 14)

Reply to the issues raised in paragraph 19

84. On 16 July 2014, the Government adopted the national policy on reform of the justice system and the related priority action plan for the period 2015–2019 in the following areas: access to the law and justice; an independent and responsible judiciary; strengthening and enhancement of human and institutional capacity; and the fight against impunity.

85. To address the staff shortages in the justice system, in 2015 and 2017 the Government recruited 100 legal trainees, who would become judges after two years of training, and 50 registrars.

86. The Government also continued its construction and renovation programme for courts and prisons. In 2015, construction began on courthouses in the five prefectures in Kankan administrative region, in Upper Guinea.

87. The judicial reform programme aims to restore public confidence in the justice system and establish a professional, independent and accessible judiciary that is trusted by the general public and investors and that can make an effective contribution to the fight against corruption. Pursuant to Act No. 2015/019/AN of 13 August 2015 on the organization of the judiciary in the Republic of Guinea, eight magistrate's courts have already been converted into courts of first instance (Decree No. D/2018/135/PRG/SGG of 6 August 2018). A further 18 will be converted in due course.

88. Furthermore, it should be noted that the courts of first instance are competent to hear criminal matters. This helps to reduce the delays in criminal proceedings that were previously the responsibility of assize courts.

89. The Ministry of Justice, with support from technical and financial partners, has established community information centres in the eight administrative regions. A total of 24 employees have been assigned to the centres.

90. The International Federation for Human Rights has set up a legal clinic in Conakry to provide assistance to women who are victims of violence and to support them in legal proceedings. Together, the community information centres and the legal clinic are helping to bridge the gap between citizens and the justice system.

Trafficking in persons and forced labour

Reply to the issues raised in paragraph 20

91. The National Committee to Combat Human Trafficking and Similar Practices is the body responsible for driving, designing and developing policies, programmes and projects to combat human trafficking and similar practices. The Committee obtained US$ 30,000 to finance its emergency plan. Its activities have included:

- The signing of a bilateral agreement with Mali
- The signing of a multilateral agreement in the context of the Economic Community of West African States (ECOWAS)
- The development of an advocacy action plan
- The organization of advocacy and awareness-raising activities in partnership with the International Organization for Migration
- The preparation of a document assessing the system in place to care for victims of trafficking
- The dismantling of two human trafficking networks operating between Sierra Leone, Guinea and Kuwait, following investigations conducted by the Office for the Protection of Gender, Children and Morals
- The repatriation of trafficking victims

92. By way of Decree No. 3476 of 1 December 2009, the Government created the Office for the Protection of Gender, Children and Morals within the Ministry of Security and Civil Protection. The Office is a specialized police unit responsible for investigating crimes committed against children and women and compiling the related statistics. Its mission is primarily to crack down on domestic violence, trafficking, rape, abduction, female genital mutilation and forced marriage. The Office provides legal and psychological support to victims and refers them to agencies that can provide them with the care and rehabilitation they need.

93. The National Service for Humanitarian Action, together with the International Organization for Migration, organizes the return of Guinean migrants and assists in their social and professional reintegration through income-generating projects.

Reply to the issues raised in paragraph 21

94. As children move about within their communities they are often exposed to practices covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other treaties on human trafficking and forced child labour to which Guinea is a party. While in the past such practices consisted of a simple arrangement between families in the form of guardianship, today they create an environment that facilitates the exploitation and trafficking of children.

95. The Government is making efforts to address this growing problem through legislative and regulatory measures. Various measures have been taken, including the establishment of the Committee for Monitoring the Rights of the Child, the National Committee to Combat Human Trafficking and Similar Practices, a judicial investigations division within the gendarmerie, the Office for the Protection of Gender, Children and Morals and a unit within the Armed Forces to promote and protect the rights of children.

96. The new Criminal Code also contains a number of provisions relating to child labour.

97. With the revision of the Criminal Code, several other provisions relating to child labour have been improved and rendered more effective.

98. Since 2003, the Government has disseminated information and held awareness-raising sessions on child trafficking and exploitation in most parts of the country.

99. Lastly, in order to monitor the implementation of all the legal instruments relating to the rights of children, the Government established the National Committee to Combat Human Trafficking and Similar Practices and the intersectoral committee on international adoption.

100. Although begging is prohibited by the Criminal Code, it has become increasingly widespread in Guinea. Children often beg on behalf of their parents or guardians.

101. With regard to the ill-treatment of girls working in domestic service, the Government has expanded the guaranteed minimum wage to apply to domestic workers. The Labour Code contains a broad range of provisions intended to protect women employed as domestic workers.

Recognition as a person before the law (arts. 16 and 24)

Reply to the issues raised in paragraph 22

102. In 2012, the Government of Guinea embarked on a comprehensive assessment of the civil registration system, particularly for births, deaths, marriages and divorces. At the time of the assessment exercise, data from the general population census showed that approximately 60 per cent of births in Guinea were registered. The measures taken to improve the situation include:

- The establishment of civil status registration mechanisms in sub-prefectures and rural communities

- The distribution of village registration books, with support from UNICEF and the European Union, to record children who were not registered at birth and to ensure that registries are secure, in an effort to address the high volume of forged birth certificates
- The extension of the registration period from three to six months to make the process easier for people living far from a registry office
- The implementation of a pilot project in the N'Zérékoré region to modernize the civil registry by allowing community workers to register births via text messaging
- Linking vaccination campaigns and registration drives for children
- The approval in 2018 of a national strategy to modernize the civil registry

103. Thanks to these measures, registration rates now vary between 70 and 75 per cent depending on the location.

104. As part of its review of the provisions of the Civil Code that promote statelessness and incorporate its international commitments into domestic legislation, particularly in relation to the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Government has undertaken a major revision of its legislation in order to eliminate any provisions that are not in line with that Convention. The content of the bill, which is currently before the National Assembly, was informed by input from the representatives of the Office of the United Nations High Commissioner for Refugees in Guinea.

Protection of privacy (art. 17)

Reply to the issues raised in paragraph 23

105. Act No. L/2016/037/AN of 28 July 2016 on cybersecurity and the protection of personal data in the Republic of Guinea defines the rules, mechanisms and tools in place for the protection and management of personal data, the rights of persons whose personal data are processed and the obligations of those responsible for the processing of data.

106. Under the Act, the processing of personal data is subject to submission of a request and declaration and the authorization of the authority responsible for the protection of personal data.

107. The Act requires the application of the principles of lawfulness and fairness in the processing of personal data.

Freedom of expression, peaceful assembly and association, and protection of journalists and human rights defenders (arts. 6, 7, 9, 19 and 21)

Reply to the issues raised in paragraph 24

108. Freedom of expression is guaranteed by article 125 of the Constitution and several other legal instruments, including Act No. L/002 on freedom of the press (decriminalizing violations of the press laws), Act. No. L/2010/003/CNT of 23 June 2010 on the High Communications Authority, the Access to Public Information Act, and the Liberalization of the Airwaves Act.

109. The Government rejects all allegations that journalists have been arrested in Guinea, and deplores the physical abuse some of them experienced during political demonstrations.

110. The Government does not envisage any reform of the Press Freedom Act, which decriminalized violations of the press laws. However, the authorities will respond to cases of defamation, libel and the publication of false information, including by means of suspensions and fines.

Reply to the issues raised in paragraph 25

111. Opposition demonstrations are generally authorized throughout the national territory. Nevertheless, the Government acknowledges that this constitutional freedom can be restricted if the local administrative authorities consider there is a possibility of civil unrest or procedural irregularities. In an electoral context, no demonstration or rally for a party or candidate has been banned, except during the state of emergency in 2010.

112. In the context of the legislative elections, the opposition organized demonstrations to call for free and transparent elections. Owing to the violence observed at these demonstrations, the Minister of Territorial Administration and Decentralization announced a ban on demonstrations on 31 May 2012.

113. On 12 September 2012, on the instructions of the President of the Republic, the Minister met with political actors to discuss the management of public demonstrations. The right to demonstrate inevitably entails the responsibility to respect the law. It has never been the Government's wish to restrict the exercise of civil liberties.

114. The Government refutes the allegations that there have been mass arrests in Guinea. However, people are often arrested on the fringes of demonstrations for acts of vandalism and violence.

Reply to the issues raised in paragraph 26

115. Following the violence observed during the inter-union strike called by the National Workers' Confederation of Guinea and the Guinean Workers' Union to call for a cut in petrol prices and higher wages, 16 trade unionists were arrested by law enforcement officers on the night of 9 February 2016, and were released a few days later.

116. The arrests were made in response to the unions' demand that the entire population observe the strike. This is why young people erected barricades on public roads in a number of places to prevent the movement of vehicles, which led to clashes with drivers who refused to strike.

Participation in public affairs (arts. 19 and 25)

Reply to the issues raised in paragraph 27

117. The Electoral Code and the Local Government Code clearly state that the administrative authorities at all levels have a duty to be impartial and neutral during elections in Guinea.

118. Despite these provisions and various reminders from the Ministry of Territorial Administration, cases of political party representatives being threatened or intimidated have been reported in some areas. However, the establishment of an early warning and rapid response mechanism made it possible to immediately alert the authorities, who reacted promptly to put an end to such behaviour.

119. Allegations that voting was affected by voters' illiteracy are baseless.

120. The Government acknowledges that the registration of voters, particularly in rural areas, was affected by the distance to the nearest registration centre. To rectify this, the Independent National Electoral Commission has redrawn the map not only of registration centres but also of polling stations. As a result, there were almost 20,000 polling stations in the local elections in February 2018, as compared with about 4,000 in 2010.

121. Allegations of a shortage of polling booths are baseless.

Reply to the issues raised in paragraph 28

122. The President's supporters and the republican opposition reached an agreement on 12 October 2016. The implementation of this agreement led to the organization of local elections on 4 February 2018, 12 years after the last such elections had been held, in

December 2005. They inspired no great enthusiasm or mobilization, as was clearly illustrated by the very low turnout.

123. These elections were the subject of numerous challenges during the vote-counting. In fact, the judges who presided over the ballot collection committees, the senior public officials deployed around the country and the Independent National Electoral Commission were accused of orchestrating large-scale fraud in favour of various political parties depending on the region.

124. These challenges led to post-election violence in several parts of the country, including Kindia, Conakry, Dinguiraye and Faranah, causing a number of deaths (about 10 in all, the most shocking case being reported in Kalinko, Dinguiraye, where a woman and three of her children burned to death in a locked house) and injuries, as well as the destruction of many private properties.

125. Following these events, the judicial authorities opened inquiries which led to numerous arrests. The proceedings are ongoing in courts in Kindia, Faranah and Dinguiraye.

126. Concerning the vote of Guineans living abroad, it is worth recalling that this right is enshrined in the Constitution and the Electoral Code, which make no distinction between Guineans living in the country and those living abroad. Guinean nationals living abroad have voted regularly in recent years. The Independent National Electoral Commission has always deployed teams to our diplomatic missions to manage the process from registration to the vote itself. This was the case from 2010 to 2015, but not for the local elections in February 2018, which were reserved exclusively for Guineans living inside the country.

Reply to the issues raised in paragraph 29

127. Guinea has a number of pieces of legislation, including the Mining Code, the Labour Code, the Public Procurement Code and the Investment Code, that contain rules to ensure that the population can participate in local development. It is within this framework that the Government places particular emphasis on the effective implementation of the Local Content Policy.

128. The Local Content Policy aims to guarantee the participation of the population in managing resources and taking decisions on investment projects in mining areas. It is based on the development and implementation of projects of interest to the community, the mobilization of internal resources, participation in follow-up evaluations and in the management of local businesses, the fight against exclusion, the formation of groups and associations, and, lastly, carrying out local development activities (constructing schools or health centres).

129. The Guinean Government attaches great importance to the Local Content Policy, seeing it as essential for integrated development based on mining resources. The concept of local content underlies the implementation of policies on training and the transfer of skills that make it possible for Guineans to access skilled and well-paid jobs. It is also a sign of the country's sovereignty and independence in the use of its resources and strategic infrastructure.

130. Moreover, one of the significant developments in the new Local Government Code is the transfer of 14 areas of competence from decentralized bodies to bodies in which the deliberations are held in public.